



SPECIAL ATTENTION OF:
Offices of Native American
Programs, Indian Tribes,
Tribally Designated Housing Entities,
and the Department of Hawaiian
Home Lands

Notice PIH 2024-37

Issued: December 5, 2024

Expires: This Notice remains in effect until amended, superseded, or rescinded.
Statutes and Regulations: HOTMA; 24 CFR 5.609; 24 CFR 1000.10; 24 CFR 1006.10

Cross References: Notice PIH 2023-34,
Notice PIH 2024-06, Notice PIH 2024-07

Subject: Extension of HOTMA Compliance Date for Tribes, TDHEs, and DHHL

1. Purpose

This Notice extends the compliance date for HUD’s final rule entitled “Housing Opportunity Through Modernization Act of 2016: Implementation of Sections 102, 103, and 104” (“HOTMA final rule”) for Indian Tribes, Tribally Designated Housing Entities (TDHEs), and the Department of Hawaiian Home Lands (DHHL).

Indian Tribes and TDHEs that apply the income requirements in the 24 CFR part 5 definition of “annual income” under the Indian Housing Block Grant (IHBG) program, along with DHHL **will not be required to comply with the changes to these parts in the HOTMA final rule until January 1, 2026.**

2. Background

Under the Native American Housing Assistance and Self-Determination Act of 1996 (NAHASDA), IHBG assistance is generally limited to low-income Indian families. To qualify families as low-income, Indian Tribes and TDHEs must calculate families’ annual income. Pursuant to 24 CFR 1000.10, Indian Tribes and TDHEs have the option to choose from one of three definitions of “annual income”: 1) HUD’s income definition for Section 8, public housing, and other HUD programs found at 24 CFR 5.609; 2) the Census Bureau definition of annual income; or 3) the adjusted gross income definition used on the IRS Form 1040. The same applies to DHHL pursuant to Title VIII of NAHASDA and 24 CFR 1006.10.

On February 14, 2023, (88 FR 9600), HUD published a final rule implementing sections 102, 103, and 104 of the Housing Opportunity Through Modernization Act of 2016 (“HOTMA final rule”), (Pub. L. 114-201, 130 Stat. 782). The final rule established a January 1, 2024, effective date for the revisions made to HUD’s income regulations at 24 CFR part 5. Notice PIH 2023-34 and Notice PIH 2024-06 extended this compliance date



U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
WASHINGTON, DC 20410-8000

for Indian Tribes, TDHEs, and DHHL to January 1, 2025. This Notice further extends the compliance date to **January 1, 2026**.

3. Transition and Implementation

On September 18, 2024, HUD notified Public Housing Authorities that they would not be required to comply with HOTMA by the January 1, 2025, compliance date due to delays in updating HUD systems. On September 20, 2024, HUD extended the compliance date of the HOTMA final rule to July 1, 2025, for multifamily owners. To ensure parity for Indian Tribes and TDHEs administering IHBG grants, and DHHL administering its NHHBG grants, HUD is providing an extension period to comply with the new definition of “annual income” as modified by HOTMA.

Indian Tribes and TDHEs that apply the 24 CFR part 5 definition of “annual income” for income calculation, and DHHL, will have until **January 1, 2026**, to implement and come into compliance with the new 24 CFR part 5 definition of annual income. This additional flexibility will allow time to update processes, procedures, and policies. In the meantime, Indian Tribes, TDHEs, and DHHL are free to adopt the new HOTMA definition if they choose to do so but are not required to. During the transition and implementation period, Tribes, TDHEs, and DHHL may continue to rely on the definition of annual income contained at 24 CFR 5.609 prior to the HOTMA changes effective on January 1, 2024, when determining annual income for families.

Refer to the instructions provided in [Notice PIH 2024-07](#) ‘Calculating Annual Income for Purposes of Eligibility under NAHASDA’ for implementing the HOTMA final rule.

If you have any questions, please contact your [Area ONAP](#).

A handwritten signature in blue ink that reads "Richard J. Monocchio".

Richard J. Monocchio
Principal Deputy Assistant Secretary
Public and Indian Housing